REMARKS

The Applicants request the Examiner to correct the attorney docket number to correspond to the number referred to at page 2 of the **Application Data Sheet submitted to the U.S. PTO on September 30, 2004**. Namely, the number should be **732694**-55670 (not 732964).

Applicants have amended claim 9 to recite to amount 53.4-77.5% of hydroxypropyl group. Support for the amendment can be found, for example, page 7, lines 1-7). Accordingly no new matter has been introduced by the amendment and its entry is respectfully requested.

Applicants have amended claim 25 to recite at least 98.9%. Support for the amendment can be found in Table I of the specification, which shows activity of 98.9% and 99.1%. Accordingly no new matter has been introduced by the amendment and its entry is respectfully requested.

Applicants have added new claim 26 to an embodiment wherein 99.1% of activity is retained. Support for the amendment can be found in Table I of the specification. Accordingly no new matter has been introduced by the new claim and its entry is respectfully requested.

Turning now to the specific objections and rejections.

The Examiner rejected claims 9, 12-13, 17-20, and 22-25, as allegedly not complying with 35 U.S.C. §112, first paragraph, written description requirements.

Applicants respectfully submit that the amendment to claims 9 and 25, as decribed, *supra*, have obviated the rejection. Therefore, the rejection should be withdrawn.

The Examiner maintained the rejection of claims 9-24 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,046,164 (Asano) in view of EP 0 267 015 (Finkenaur).

Applicants disagree, and submit that this rejection should be withdrawn for the following reasons.

Applicants respectfully submit that the Examiner is not fully considering the Declaration. The Examiner claims Finkenaur teaches the superiority of hydroxypropyl ether cellulose. However, the Examiner ignores that at page 3, lines 43-44, Finkenaur teaches the equivalence of hydroxypropyl ether cellulose, methylcellulose, hydroxypropyl cellulose and hydroxypropyl methylcellulose, stating:

> [1] Methylcellulose and the [2] hydroxalkyl cellulose derivatives such as [a] hydroxypropyl cellulose, [b] hydroxethyl cellulose and [c] hydroxypropyl methylcellulose are preferred

When one looks at the Declaration, there is a significant difference in stability among these allegedly equivalent materials.

Hydroxypropyl cellulose only showed a 1.3% loss of bFGF. Whereas hydroxypropyl methylcellulose showed a loss that was about 4.5X as much and methylcellulose showed a loss that was 6X as much.

The Examiner has ignored the significance of the numbers. There is a substantial difference between a loss of only 1.3% and a loss that is 6X greater. The increase of stability of this magnitude is not something one would have expected from reading Finkenaur. There is nothing in Finkenaur that indicates that one can so significantly increase stability of growth factors by using the specific combination as claimed here.

With respect to the three compounds where measurements were made in the Declaration, the presently claimed compound results in a compound that shows **less than one fourth the loss in stability** of the best of the other compounds. That is not something that is in any way suggested by the references. Additionally, only the present compound results in a product that retains 98.9% bFGF at one day. This is very important in having a product that can actually be used. This is because one has to be able to store the product without large losses in stability.

Further, claim 9 specifies that the hydroxypropyl cellulose is a hydroxypropyl ether derivative of cellulose, containing 53.4-77.5% of hydroxypropyl group when a dried material is determined. This specific requirement for using hydroxypropyl ether derivative of cellulose containing 53.4-77.5% of hydroxypropyl group when dried material is determined is not taught or suggested by Finkenaur or Asano alone or in combination.

Accordingly, in addition to the cited references not teaching all the elements of claim 9 or its dependent claims, the references do not teach or suggest that using these specific compounds, a significant increase in stability of the product can be achieved. Thus, Applicants submit that the rejection under 35 U.S.C. 103(a) should be withdrawn.

The Commissioner is herewith authorized to charge fee deficiencies and credit overpayments to the NIXON PEABODY LLP Deposit Account No. 50-0850.

In view of the foregoing, Applicants respectfully submit that all claims are in condition for allowance. Early and favorable action is requested.

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Respectfully submitted,

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